

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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REPORT AND RECOMMENDATION

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Mike J. O'Donnell, Brian Clark Staley,
Isaiah Charles Swedeen, Thomas Lee
Griffin, Charles Daniel Wachlin,
Darrin Edward Dotson, Aaron Allan
Jones, Jr., Thomas Patrick Weiss,
Anthony Allen Jessie Garnett, Sr.,
Ozhawaaskoo Giishig, and Timothy
Michael Weiss,

Plaintiffs,

vs.

Cal Ludeman, Joan Fabian,
John "Jack" Erskine, Terry Carlson,
David Pingry, Nancy Johnston,
Tom Lundquist, Ann LaValley-Wood,
Michael Tessner, Amanda Powers,
Marnie Dollinger, Gary Grimm,
Denise Considine, Eric Hattenberger,
Julianna Beavens, Mike Zimmerman,
Duane Line, Steve Sajdak,
Amanda Bloomquist, Jon Hibbard,
Sarah Fetters, Jenny Blazjak,
Timothy Brown, Scott Benoit,
Michael Meyer, Thayne Murphy,
Tony Hanten, Randy Valentine,
Dean Mooney, Paula Johnson,

Blake Carey, Chad Ward,
Sara Kulas, and more, in their official
and personal capacities,

Defendants.

Civ. No. 07-4887 (JRT/RLE)

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This matter came before the undersigned United States Magistrate Judge upon routine supervision of cases filed in this Division, and upon an assignment made in accordance with Title 28 U.S.C. §636(b)(1)(B).

This action was commenced on December 17, 2007, by the filing of a Complaint and an Application by nine (9) of the ten (10) named Plaintiffs to proceed in forma pauperis (“IFP”). See, Docket Nos. 1-10. On December 20, 2007, the tenth Plaintiff also filed an Application for IFP status. See, Docket No. 12. By Order dated January 2, 2008, see, Docket No. 13, we found that the Plaintiffs’ applications for IFP status could not be granted, because their Complaint failed to include a short and plain statement of their claim, or to allege any personal involvement of the named Defendants, and provided that, unless the Plaintiffs filed an Amended Complaint that satisfied the pleading standards set forth in the Federal Rules of Civil Procedure, within twenty (20) days of the date of that Order, then we would recommend that the Plaintiffs’ application for IFP status be denied, and that their Complaint dismissed.

The Plaintiffs have failed to abide by the terms of our Order of January 2, 2008. Since we have previously warned the Plaintiffs of the potential consequences for failing to file an Amended Complaint, and to abide by the Orders of this Court, we recommend that this action be dismissed, for failure to comply with this Court's Order of January 2, 2008, and for lack of prosecution.

NOW THEREFORE, It is --

RECOMMENDED:

1. That the Plaintiffs' Complaint [Docket No. 1] be dismissed for failure to comply with this Court's Order of January 2, 2008, and for lack of prosecution.
2. That the Plaintiffs' Motions for Leave to Proceed In Forma Pauperis [Docket Nos. 2-10 and 12] be denied, as moot.

BY THE COURT:

Dated: January 30, 2008

s/Raymond L. Erickson

Raymond L. Erickson
CHIEF U.S. MAGISTRATE JUDGE

NOTICE

Pursuant to Rule 6(a), Federal Rules of Civil Procedure, D. Minn. LR1.1(f), and D. Minn. LR72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties **by no later than February 15, 2008**, a writing which specifically identifies those portions of the Report to which objections are made and the bases of those objections. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals.

If the consideration of the objections requires a review of a transcript of a Hearing, then the party making the objections shall timely order and file a complete transcript of that Hearing **by no later than February 15, 2008**, unless all interested parties stipulate that the District Court is not required by Title 28 U.S.C. §636 to review the transcript in order to resolve all of the objections made.